

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6948

BILL NUMBER: SB 230

NOTE PREPARED: Mar 26, 2005

BILL AMENDED: Mar 24, 2005

SUBJECT: Sex and Violent Offender Directory & Automated Victim Notification.

FIRST AUTHOR: Sen. Lubbers

FIRST SPONSOR: Rep. Becker

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill adds registered neighborhood associations to the list of entities that must periodically receive the sex and violent offender directory published by the criminal justice institute.

This bill also allows the Department of Correction to establish an automated victim notification system. The bill allows a crime victim to register for the system by telephone. It provides that a system must notify a registered crime victim by telephone when: (1) a committed offender's status changes; (2) the offender is released or has escaped; or (3) the status of certain court cases changes. The bill also allows a crime victim to obtain the most recent status of an offender by calling the system. The bill allows money in the Victim and Witness Assistance Fund to be used to establish and maintain a victim notification system. It provides that there is no cause of action based on a system's failure to notify. This bill requires a Sheriff or the Police Chief of Indianapolis to notify the Department when a sex offender files a new sex offender registration form if the Department has established an automated victim notification system.

Effective Date: July 1, 2005.

Explanation of State Expenditures: *Sex and Violent Offender Directory:* Current statute requires the Indiana Criminal Justice Institute (ICJI) to make a computer disk available containing the Indiana Sex and Violent Offender Directory to the following entities at least one time every six months: (1) all school corporations; (2) all nonpublic schools; (3) all state agencies that license individuals who work with children; (4) the State Personnel Department; (5) all licensed and registered child care facilities; (6) and any other entity that provides services to children and requests the directory. This bill would add an additional entity to this list, registered neighborhood associations. Additional expenditures by the ICJI are expected to be minimal.

Background: In 2003, the ICJI conducted an information campaign to inform the approximate 8,500 entities that receive the Directory that it is available on both the Internet and CD-ROM. Recipients were asked if they preferred to receive the Directory on CD-ROM or to access its information on the Internet (both forms are available at no cost to the recipient). Less than 5% requested the Directory on CD-ROM. The benefit to obtaining the Directory on the Internet is that individuals identified on the Directory change daily, thus, Internet information is more current. The ICJI spends approximately \$1,000 per distribution (or \$2,000 annually). The cost for each disk is approximately \$2.61.

At the time of the most recent distribution, four groups receiving the information identified themselves as neighborhood associations, and one requested a copy of the Directory.

The number of neighborhood associations in the state, and thus the number that would choose to register with the ICJI is unknown. It is assumed that the majority of associations exist in cities or larger populated towns. Each governing body registers neighborhood associations differently. The City of Indianapolis reports it has 339 registered neighborhood associations; the City of Bloomington has approximately 35.

The amount of additional expenditures that the state will experience is dependent on the total number of neighborhood associations in the state which choose to (a) register with the ICJI, and (b) have the Directory supplied to them on CD-ROM. The total amount of additional expenditures are unknown. It is likely, however, that any additional expenditures will be small. The largest city in Indiana, Indianapolis, with 339 registered neighborhood associations, would create an approximate increase of \$44 every six months ($339 \times 5\% \times \$2.61 = \44.24).

Depending on the number of neighborhood associations that choose to register, the ICJI may need additional staff. The funds and resources required above could be supplied through a variety of sources, including the following: (1) existing staff and resources not currently being used to capacity; (2) existing staff and resources currently being used in another program; (3) authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) funds that, otherwise, would be reverted; or (5) new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

(Revised) *Automated Victim Notification System:* This bill allows the Department of Correction (DOC) to establish an automated victim notification system. The bill's impact on state expenditures is indeterminable. The increase in expenditures will ultimately be determined by the administrative actions of the DOC.

It is estimated that, if the DOC chose to implement this system, the cost would be approximately \$676,000 in FY 2006, approximately \$490,000 in FY 2007 with an annual cost of \$690,000 thereafter. The estimated costs reflect information provided by a vendor who currently contracts with Kentucky to provide a notification system.

The bill provides that money in the Victim and Witness Assistance Fund may be used by the Criminal Justice Institute to establish and maintain a victim notification system as allowed under the bill. The Fund was appropriated \$603,196 in FY 2004, and had a balance of \$264,551 at the close of FY 2004. In addition to the victim notification system, the money in the fund is also currently authorized by statute to be spent by the Institute to:

- (1) pay the costs of administering the fund;
- (2) establish and maintain the sex and violent offender directory; and,

(3) provide training for persons to assist victims.

The money in the Victim and Witness Assistance Fund comes from a statutory distribution of 2/3 of the balance of the Family Violence and Victim Assistance (FVVA) Fund (this 2/3 distribution is after 55% of the FVVA Fund goes to the Domestic Violence Prevention and Treatment Fund, so the distribution is equal to 2/3 of 45% of the FVVA Fund). The source of the FVVA Fund is revenue from various state and local court fees.

Background: Kentucky implemented the first Victim Information and Notification Everyday (VINE) system in 1994. The computerized system provides critical information pertaining to the whereabouts of inmates housed in both adult correctional facilities and local jails, as well as some juvenile offenders. VINE is made possible through building and maintaining interfaces with jail booking systems that accumulate information from each possible jail facility every 15 minutes.

Kentucky contracts with APPRIS, Inc. to provide a 24-hour, 7-day-a-week system. APPRIS estimates that startup costs for the Indiana VINE system will be approximately \$570,750. Furthermore, an additional \$689,400 will be needed annually to maintain the system (annual fees). Annual fees are broken down by county and are due only when individual counties are brought on-line. The state may experience additional startup expenditures from third-party jail booking software providers that may charge additional interface fees. These fees vary by provider and are unknown at this time.

Explanation of State Revenues: (Revised) *Automated Victim Notification System (Potential Federal Grant Funding):* The FY 2005 federal appropriations bill included \$8 M for the Bureau of Justice Assistance to launch a new grant program for state automated victim notification programs. The federal bill specifies that the grants given through this bill require a 50% match from state, local, or private sources. The funds have been appropriated, but a funding announcement has not been found to date.

While the bill specifically mentions automated victim notification systems, there is also the possibility of obtaining grants under the "Justice for All Act" (*H.R. 5107*). The Act provides \$5 M for FY 2005 through FY 2009 to be used to implement state-of-the-art systems for notifying victims of important dates and developments relating to the criminal proceedings.

To date, these funds have not been granted to Indiana. Although there is potential for grant funds, there is no guarantee that this money will be made available for use in implementing the provisions of this bill.

Explanation of Local Expenditures: (Revised) *Automated Victim Notification System:* This bill will have an indeterminable administrative cost impact on the local sheriffs and police departments. The bill provides, that if the DOC implements a victim notification system, the sheriffs and police chiefs would be required to assist in the implementation of the system, as well as coordinate data for the system. The increase in expenditures as a result of this legislation is presumed to be able to be covered through the use of existing staff and resources.

This bill could result in an indeterminable administrative cost savings to local victim assistance entities. Notice is the single most expensive aspect of the Victim's Bill of Rights. In establishing an automated system to contact individuals with perpetrator status reports, the system will allow more time for the local victim assistance staff to concentrate on other administrative duties. This savings is not estimated to be enough to allow these entities to operate with less personnel.

Explanation of Local Revenues:

State Agencies Affected: Indiana Criminal Justice Institute; Department of Correction; Attorney General.

Local Agencies Affected: Local units of government; Sheriffs; Police chiefs; Local victim assistance entities.

Information Sources: Steve Hillman, Indiana State Police, 317-232-5899; Pam Marling, Bureau of Identification, Allen County, 260-449-7630; Jody Hollenbaugh, Whitley County, 260-244-6410; Mike Eslinger, Indiana Sheriffs' Association, 317-356-3633; Jason Matejkowski, Indiana Criminal Justice Institute, 232-1232; Vickie Provine, City of Bloomington, 812-349-3505; Bob Wilch, City of Indianapolis, 327-5115; Susan Howley, 202-467-8700, National Center for Victim Notification; Richard Boone, Appriss, Inc.

Fiscal Analyst: Sarah Brooks, 317-232-9559; Adam Brown, 317-232-9854.